IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 18032 of 2007(V)

AGAINST THE ORDER IN IA.1097/2007 IN
RCA.43/2007 of ADDL.DISTRICT COURT, KOZHIKODE
RCP.194/2004 of ADDL.M.C.,KOZHIKODE-II
(IA.1261/2007)
.....

PETITIONER:

K.P.SREEJAYAN,S/O.LATE. GOVINDAN,
KANIYATHPOOTHAKANDIYIL HOUSE,
KUNNAMANGALAM AMSOM DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.K.V.SOHAN
SMT.SREEJA SOHAN.K.
SMT.REKHA C.NAIR

RESPONDENT:

DR.K.P.SUBRAMANIAN,S/O.LATE.CHERIYAKKAN,
NAYAGAM,KUNNAMANGALAM AMSOM DESOM,
KOZHIKODE TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

W.P.(C).NO.18032 OF 2007 (V)

Dated this the 12th day of June, 2007

J U D G M E N T

KOSHY,J.

This writ petition is filed against the order of the District Court passed in I.A.No.1097/2007 in R.C.A.No.43/2007. A Commissioner was appointed. Petitioner filed objection to the commissioner report. Petitioner wants to remit the commissioner's report for additional materials with expert assistance. That was dismissed by Ext.P1 order. Against that appeal was filed. Along with the appeal an application for stay was also filed. The learned District Judge admitted the appeal and dismissed the stay application as per Ext.P2 order. A reading of Ext.P2 will show that even though prima facie merits of the appeal was also considered only stay petition was disposed of. In the above circumstances, we direct the District Court to dispose of R.C.A. itself within one month from today.

Registry is directed to communicate the order to the District Court. This writ petition is disposed of accordingly.

J.B.KOSHY, JUDGE

K.P.BALACHANDRAN, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.F.A.NO. OF 2006 ()

J U D G M E N T

8th June, 2007